

COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT

SENATE AMENDMENTS TO H.B. 2030

(Reference to House engrossed bill)

1 Page 2, strike lines 25, 26 and 27

2 Renumber to conform

3 Page 3, lines 3 and 4, strike “, FOR COMPENSATION,”

4 Line 24, strike “, FOR COMPENSATION,”

5 Page 6, line 2, strike “of four units or less”

6 Page 7, between lines 5 and 6, insert:

7 “16. A LANDLORD, THE LANDLORD'S EMPLOYEES, THE MANAGEMENT AGENT OR
8 EMPLOYEES OF THE MANAGEMENT AGENT PURSUANT TO SECTION 33-1331.”

9 Page 11, line 34, after “fund” insert “FOR ACTUAL DAMAGES CAUSED BY A RESIDENTIAL
10 CONTRACTOR'S VIOLATION OF THIS CHAPTER”

11 Line 41, after “REVOKE” strike remainder of line

12 Line 42, strike “ON DISCIPLINARY PROBATION” insert “OR SUSPENDED AS A RESULT OF
13 A VIOLATION OF THIS CHAPTER THAT CAUSED THE DAMAGES FOR WHICH THE CLAIM FOR
14 RECOVERY IS MADE”

15 Page 12, line 15, after “REVOKE” strike remainder of line

16 Line 16, strike “OR PLACED ON DISCIPLINARY PROBATION” insert “OR SUSPENDED”

17 Line 37, strike “he” insert “THE INJURED PERSON”

18 Page 13, line 6, strike “judgment” insert “CLAIM”

19 Line 13, strike “his” insert “THE INJURED PERSON'S”

20 Page 22, lines 17, 27, strike “5—6” insert “5”

21 Page 23, between lines 2 and 3, insert:

22 “Sec. 12. Section 32-1158, Arizona Revised Statutes, is amended to
23 read:

24 32-1158. Minimum elements of a contract

25 A. From and after December 31, 1992 until December 31, 2007, any
26 contract in an amount of more than one thousand dollars and less than one
27 hundred fifty thousand dollars entered into between a contractor and the
28 owner of a property to be improved shall contain in writing at least the
29 following information:

1 1. The name of the contractor and the contractor's business address
2 and license number.

3 2. The name and mailing address of the owner and the jobsite address
4 or legal description.

5 3. The date the parties entered into the contract.

6 4. The estimated date of completion of all work to be performed under
7 the contract.

8 5. A description of the work to be performed under the contract.

9 6. The total dollar amount to be paid to the contractor by the owner
10 for all work to be performed under the contract, including all applicable
11 taxes.

12 7. The dollar amount of any advance deposit paid or scheduled to be
13 paid to the contractor by the owner.

14 8. The dollar amount of any progress payment and the stage of
15 construction at which the contractor will be entitled to collect progress
16 payments during the course of construction under the contract.

17 B. From and after December 31, 2007, any contract in an amount of more
18 than one thousand dollars entered into between a contractor and the owner of
19 a property to be improved shall contain in writing at least the following
20 information:

21 1. The name of the contractor and the contractor's business address
22 and license number.

23 2. The name and mailing address of the owner and the jobsite address
24 or legal description.

25 3. The date the parties entered into the contract.

26 4. The estimated date of completion of all work to be performed under
27 the contract.

28 5. A description of the work to be performed under the contract.

29 6. The total dollar amount to be paid to the contractor by the owner
30 for all work to be performed under the contract, including all applicable
31 taxes.

7. The dollar amount of any advance deposit paid or scheduled to be paid to the contractor by the owner.

8. The dollar amount of any progress payment and the stage of construction at which the contractor will be entitled to collect progress payments during the course of construction under the contract.

9. That the property owner has the right to file a written complaint with the registrar for an alleged violation of section 32-1154, subsection A. The contract shall contain the registrar's telephone number and website address and shall state that complaints must be made within the applicable time period as set forth in section 32-1155, subsection A. The information in this paragraph must be prominently displayed in the contract in **AT LEAST** ten point bold type, and the contract shall be signed by the property owner and the contractor or the contractor's designated representative. This paragraph does not apply to a person who is subject to and complies with section 12-1365.

C. At the time of signing a contract the owner shall be provided a legible copy of all documents signed and a written and signed receipt for and in the true amount of any cash paid to the contractor by the owner.

D. The requirements of this section shall not constitute prerequisites to the formation or enforcement of a contract. Failure to comply with the requirements of this section shall not constitute a defense by either party to an action for compensation, damages, breach, enforcement or other cause of action based on the contract.”

Renumber to conform

Page 23, between lines 11 and 12, insert:

"Sec. 14. Title 33, chapter 10, article 2, Arizona Revised Statutes, is amended by adding section 33-1331, to read:

33-1331. Landlord's maintenance and repairs: violation: classification

A. A LANDLORD, THE LANDLORD'S EMPLOYEES, THE MANAGEMENT AGENT OR
EMPLOYEES OF THE MANAGEMENT AGENT MAY CAUSE THE MAINTENANCE, REPAIR OR
REPLACEMENT OF ANY STRUCTURE OWNED BY THE LANDLORD ON THE LEASED PREMISES

1 WITHOUT USING A CONTRACTOR WHO IS REGISTERED PURSUANT TO TITLE 32, CHAPTER 10
2 UNLESS THE LANDLORD, THE LANDLORD'S EMPLOYEES, THE MANAGEMENT AGENT OR
3 EMPLOYEES OF THE MANAGEMENT AGENT REDIRECTS, REPAIRS OR REPLACES A LINE FOR
4 NATURAL GAS, ELECTRICITY, AIR CONDITIONING OR WATER THAT EXTENDS BEYOND AND
5 AFFECTS MORE THAN ONE RESIDENTIAL UNIT.

6 B. MAINTENANCE, REPAIR OR REPLACEMENT ACTIVITIES OF A SINGLE
7 RESIDENTIAL UNIT THAT INVOLVE A SHARED WALL, CEILING OR FLOOR DO NOT
8 CONSTITUTE ACTIVITY THAT REQUIRES THE USE OF A REGISTERED CONTRACTOR
9 PRESCRIBED BY SUBSECTION A.

10 C. THE DIRECTOR OF THE DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY
11 SHALL ADOPT STANDARDS AND RULES TO IMPLEMENT THIS SECTION.

12 D. A LANDLORD WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
13 MISDEMEANOR.

14 Sec. 15. Section 41-2147, Arizona Revised Statutes, is amended to
15 read:

16 41-2147. Director; qualifications; appointment; salary; powers
17 and duties

18 A. The governor shall appoint a director of the department pursuant to
19 section 38-211. The director shall serve at the pleasure of the governor.

20 B. The director shall be experienced in administration and the
21 technical knowledge necessary to administer this chapter.

22 C. The compensation of the director shall be as determined pursuant to
23 section 38-611.

24 D. The director with the approval of the governor shall appoint a
25 deputy director, a deputy director of the office of manufactured housing, the
26 state fire marshal of the office of fire marshal, the state fire training
27 officer and the fire resource coordinator, all of whom serve at the pleasure
28 of the director and are exempt from chapter 4, article 5 of this title.
29 Compensation for the deputy directors and the fire marshal shall be as
30 determined pursuant to section 38-611.

31 E. The director shall establish and have authority over the functions
32 of the office of manufactured housing, the office of state fire marshal and

1 the office of administration and shall appoint employees necessary to perform
2 the duties of articles 2, 3 and 4 of this chapter.

3 F. The director shall employ any deputies, investigators and
4 assistants and shall procure all equipment and records that are necessary to
5 enforce this chapter. With respect to the enforcement of section 41-2194,
6 the director or the director's designees are vested with the authority to
7 issue a citation in accordance with section 13-3903 or to issue a cease and
8 desist order to any violators of this chapter. When the director or the
9 director's designees conduct investigations they may receive criminal history
10 record information from the department of public safety and other law
11 enforcement entities.

12 G. In order to protect public health, safety and welfare, the director
13 may revoke or suspend a license.

14 H. The director may issue citations to licensees for alleged
15 violations of this chapter or rules adopted pursuant to this chapter.

16 I. The director, on the director's motion or on the written request of
17 the licensee, may reduce, at the director's discretion, the amount of any
18 administrative penalty imposed.

19 J. THE DIRECTOR SHALL ADOPT RULES RELATING TO THE MAINTENANCE, REPAIR
20 OR REPLACEMENT OF ANY STRUCTURE OWNED BY A LANDLORD ON THE LEASED PREMISES
21 PURSUANT TO SECTION 33-1331."

22 Renumber to conform

23 Amend title to conform

4/1/08
4:23 PM
S: LB/jas